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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
DIST. RAJKOT

FIRST APPEALS NO. 5235 OF 95 TO 5239 OF 95
WITH

FIRST APPEALS NO. 5240 OF 95 TO 5250 OF 95
WITH

FIRST APPEALS NO. 5730 OF 95 TO 5742 OF 95
WITH

FIRST APPEALS NO. 5955 OF 95 TO 5966 OF 95
WITH

FIRST APPEALS NO. 6302 OF 95 TO 6305 OF 95
WITH

FIRST APPEALS NO. 6934 OF 95 TO 6936 OF 95
WITH

FIRST APPEALS NO. 7249 OF 95 TO 7256 OF 95
WITH

FIRST APPEALS NO. 705 OF 96 TO 728 OF 96
WITH RESPECTIVE

CIVIL APPLICATIONS NO. 3012 OF 96 TO 3016 OF 96
WITH

CIVIL APPLICATIONS NO. 6123 OF 96 TO 6133 OF 96
WITH

CIVIL APPLICATIONS NO. 2988 OF 96 TO 3000 OF 96
WITH

CIVIL APPLICATIONS NO. 3028 OF 96 TO 3039 OF 96
WITH

CIVIL APPLICATIONS NO. 3008 OF 96 TO 3011 OF 96
WITH

CIVIL APPLICATIONS NO. 3017 OF 96 TO 3019 OF 96
WITH

CIVIL APPLICATIONS NO. 3020 OF 96 TO 3027 OF 96
WITH

CIVIL APPLICATIONS NO. 6196 OF 96 TO 6219 OF 96

FOR APPROVAL AND SIGNATURE

THE HONOURABLE MR. JUSTICE B.C. PATEL

AND

THE HONOURABLE MR. JUSTICE S.D. DAVE

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involved a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Mr. S.N. Shelat, Additional Advocate General WITH
Mr. A.J. Desai, Assistant Govt. Pleader for
appellants.

to 709/96, 712, 715 to 721, 725 to 728 of 96
In all other matters, MR. Y.S. LAKHANI, learned
advocate for respondents.

CORAM: B.C. PATEL & S.D. DAVE, JJ.
DATE: 11.9.1996

ORAL JUDGMENT : (Per Patel, J.).

Upon hearing the learned advocates, and upon their joint request, we feel it appropriate to admit these appeals and dispose of the same in one advent. Hence, we admit the appeals and learned advocates for the respondents waive service of notice.

2. The State Government issued notifications under section 4 of th.....

referred to as the Act) on different dates for acquisition of lands situated in various villages for the Demi II Project. After following the procedure, Land Acquisition Officer made awards on different dates relying on earlier awards in Land Reference Cases No. 36/87 and 67/87. On References being made to the Court in all these cases, the amount of compensation came to be enhanced. The names of the villages, details of notification, amount awarded by the Land Acquisition Officer, and the amount awarded by

the Court on Reference are summarized and tabulated as under for quick reference.

First Name of village	Date of award	Date of award				
Appeal Dt. of Notifi-	under Sec. 11	under sec. 18				
No. cation u/s 4	Amount awarded	Amount awarded				
Jira Baga	Jira Baga					
yat yat yat yat						
P/Are P/Are P/Are P/Are						
Rs. Rs. Rs. Rs.						

5235 Rajawad 14.12.87 06.05.95
to 31.07.86 110 140 220 370
5239
of 95

5240 Rajawad 28.08.86 15.04.95
to 30.05.85 110 140 200 340
5250
of 95

5730 Rajawad 17.12.85 30.03.95
to 20.02.85 80 110 200 325
5742
of 95

5955 Rajawad 20.08.86 30.04.95
to 20.09.84 ---- 140 ---- 320
5966
of 95

6302 Rajawad 28.03.88 29.04.95
to 11.09.86 - 140 --- 370
6305
of 95

6934 Lakhtdir- 29.09.84 31.12.94
to gadh 80 110 - 300
6936 17.03.83 (All lands held Bagayat lands)
of 95 (In one matter, Rs. 75 for Kharaba land over and
above the amount for Bagayat land)

7249 Lakhtdir- 20.02.86 31.12.94
to gadh 80 110 - 400

7256 11.04.85

of 95 (All lands are considered as Bagayat lands)

705 Nasibpur 06.02.86 15.11.95

to 25.11.82 80 100 140 200

728

of 96

In all these cases, the instance in support of claim is relied upon for an award made by Land Acquisition Officer on 24.3.1983 for which a notification was issued under section 4 on 18.12.1980 and the Court, upon Reference, made an award on 29.6.91. In all these aforesaid cases, the same award is referred by giving different Exhibit numbers. The exhibit numbers are 15, 18, 31, 16, 30, 40 and 17 respectively.

3. Learned counsel appearing for the State has submitted that the aforesaid award delivered by the Court was challenged by preferring an appeal before the High Court and the appeal was dismissed. The State carried the matter to the Apex Court and the Apex Court has allowed the appeal. (STATE OF GUJARAT VS. DAYA SHAMJIBHAI - JT 1005 (6) 475). The Apex Court held that in view of the agreement between the land holders and the Special Land Acquisition Officer, the Land Acquisition Officer is justified in making the awards in terms of the contract and the land owners could not seek Reference under section 18. The Reference Court, while making the award in the aforesaid case of Daya Shamjibhai, enhanced the amount of compensation to Rs.200/- per Are for Bagayat land and Rs.140/- per Are for Jirayat land as against the award of Rs.110/- per Are for Bagayat land and Rs.80/- per Are for Jirayat land made by the Land Acquisition Officer. Mr. Shelat, learned Additional Advocate General submitted that the Reference Court, while making the award in these cases, has placed reliance on an award, which has been subsequently modified by the Apex Court. Hence, in any case, the award determining the compensation on the basis of that award, cannot be accepted. He further submitted that in the facts of these cases, the matters are required to be remanded to the Reference Court for re-determining the compensation in accordance with law.

4. Mr. Lakhani, learned advocate submitted that there is evidence in one group of matters and if that is considered, there is no need to remand the matter and the compensation can be determined here. Mr. Lakhani made an attempt by referring to the judgment but realising that the Court has not accepted other instances, fairly

accepted the suggestion made by the Learned Additional Advocate General that all the matters may be remanded to the Reference Court for re-determining the compensation in accordance with law.

5. In the result, we set aside the award made by the Reference Court in all these cases. All these matters are remanded to the Reference Court for re-determining the compensation in accordance with law. The Court below is directed to dispose of these cases within a reasonable time, after affording opportunity to both the sides to lead evidence. All the appeals stand disposed of in the above terms.

6. In view of the aforesaid orders passed in the First Appeals, the aforementioned Civil Applications for stay do not survive and the same stands disposed of accordingly.

csm./